

106TH CONGRESS
2D SESSION

H. R. 4382

To amend title 5, United States Code, to provide temporary authority to offer voluntary separation incentives and early retirement to civilian employees of the Department of the Air Force and to provide experimental hiring and personnel management authority for the Department for the purpose of maintaining continuity in the skill level of employees and adapting workforce skills to emerging technologies critical to the needs of the Department.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2000

Mr. HALL of Ohio (for himself and Mr. HOBSON) introduced the following bill;
which was referred to the Committee on Government Reform

A BILL

To amend title 5, United States Code, to provide temporary authority to offer voluntary separation incentives and early retirement to civilian employees of the Department of the Air Force and to provide experimental hiring and personnel management authority for the Department for the purpose of maintaining continuity in the skill level of employees and adapting workforce skills to emerging technologies critical to the needs of the Department.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Air Force Work Force
3 Renewal Act”.

4 **SEC. 2. TEMPORARY AUTHORITY REGARDING VOLUNTARY**
5 **SEPARATION INCENTIVES AND EARLY RE-**
6 **TIREMENT FOR EMPLOYEES OF THE DEPART-**
7 **MENT OF THE AIR FORCE.**

8 (a) SEPARATION PAY.—Section 5597(b) of title 5,
9 United States Code, is amended by adding at the end the
10 following: “Under such program separation pay may also
11 be offered for the purpose of maintaining continuity of
12 skills among employees of the Department of the Air
13 Force and adapting the skills of the workforce of such De-
14 partment to emerging technologies critical to the needs
15 and goals of such Department.”.

16 (b) RETIREMENT UNDER CIVIL SERVICE RETIRE-
17 MENT SYSTEM.—Section 8336 of such title is amended
18 by adding at the end the following new subsection:

19 “(o)(1) An employee of the Department of the Air
20 Force who is separated from the service voluntarily as a
21 result of a determination described in paragraph (2) after
22 completing 25 years of service or after becoming 50 years
23 of age and completing 20 years of service is entitled to
24 an annuity.

25 “(2) A determination under this paragraph is a deter-
26 mination by the Secretary of the Air Force that the sepa-

1 ration described in paragraph (1) is necessary for the pur-
2 pose of maintaining continuity of skills among employees
3 of the Department of the Air Force and adapting the skills
4 of the workforce of the Department to emerging tech-
5 nologies critical to the needs and goals of the Depart-
6 ment.”.

7 (c) RETIREMENT UNDER FEDERAL EMPLOYEES’ RE-
8 TIREMENT SYSTEM.—Section 8414 of such title is amend-
9 ed by adding at the end the following new subsection:

10 “(d)(1) An employee of the Department of the Air
11 Force who is separated from the service voluntarily as a
12 result of a determination described in paragraph (2) after
13 completing 25 years of service or after becoming 50 years
14 of age and completing 20 years of service is entitled to
15 an annuity.

16 “(2) A determination under this paragraph is a deter-
17 mination by the Secretary of the Air Force that the sepa-
18 ration described in paragraph (1) is necessary for the pur-
19 pose of maintaining continuity of skills among employees
20 of the Department of the Air Force and adapting the skills
21 of the workforce of the Department to emerging tech-
22 nologies critical to the needs and goals of the Depart-
23 ment.”.

1 (d) LIMITATION OF APPLICABILITY.—The authority
2 to provide separation pay and retirement benefits under
3 the amendments made by this section—

4 (1) may be exercised with respect to not more
5 than 1000 civilian employees of the Department of
6 the Air Force during each calendar year; and

7 (2) shall expire on the date that is five years
8 after the date of the enactment of this Act.

9 **SEC. 3. AIR FORCE EXPERIMENTAL PERSONNEL MANAGE-**
10 **MENT PROGRAM FOR TECHNICAL PER-**
11 **SONNEL.**

12 (a) PROGRAM AUTHORIZED.—During the 5-year pe-
13 riod beginning on the date of the enactment of this Act,
14 the Secretary of the Air Force may carry out a program
15 of experimental use of the special personnel management
16 authority provided in subsection (b) in order to facilitate
17 recruitment of civilian personnel to perform the following:

18 (1) Research and exploratory or advanced de-
19 velopment.

20 (2) Acquisition of major weapons systems, ex-
21 cluding sustainment activities.

22 (b) SPECIAL PERSONNEL MANAGEMENT AUTHOR-
23 ITY.—(1) Under the program, the Secretary may—

24 (A) appoint eminent scientists and engineers
25 from outside the civil service and uniformed services

1 (as such terms are defined in section 2101 of title
2 5, United States Code) to not more than 62 posi-
3 tions in the Department of the Air Force without re-
4 gard to the provisions of such title governing the ap-
5 pointment of employees in the civil service, except
6 that the Secretary shall—

7 (i) provide for consideration of veterans'
8 preference eligibility as described in section
9 2108 of such title; and

10 (ii) follow merit system principles, as es-
11 tablished in chapter 23 of such title;

12 (B) prescribe the rates of basic pay for posi-
13 tions to which employees are appointed under sub-
14 paragraph (A) at rates not in excess of the rate pay-
15 able for positions at level I of the Executive Sched-
16 ule under section 5312 of such title; and

17 (C) make payments to any employee appointed
18 under subparagraph (A) in addition to basic pay
19 within the limitation applicable to the employee
20 under subsection (d)(1).

21 (2) Of the 62 positions described in paragraph (1)—

22 (A) 50 of such positions shall be allocated to or-
23 ganizations performing research and exploratory or
24 advanced development; and

1 (B) 12 of such positions shall be allocated to
2 organizations whose primary mission is the develop-
3 ment and acquisition of major weapons systems, ex-
4 cluding sustainment activities.

5 (c) LIMITATION ON TERM OF APPOINTMENT.—(1)
6 Except as provided in paragraph (2), the service of an em-
7 ployee under an appointment under subsection (b)(1) may
8 not exceed 4 years.

9 (2) The Secretary may, in the case of a particular
10 employee, extend the period to which service is limited
11 under paragraph (1) by not more than 2 years if the Sec-
12 retary determines that such action is necessary to promote
13 the efficiency of the Department of the Air Force.

14 (d) LIMITATIONS ON ADDITIONAL PAYMENTS.—(1)
15 The total amount of additional payments paid to an em-
16 ployee under subsection (b)(1)(C) for any 12-month period
17 may not exceed the lesser of the following amounts:

18 (A) \$25,000.

19 (B) The amount equal to 25 percent of the em-
20 ployee's annual rate of basic pay.

21 (2) An employee appointed under subsection (b)(1)
22 is not eligible for a bonus, monetary award, or other mone-
23 tary incentive for service other than payments authorized
24 under subsection (b)(1)(C).

1 (e) PERIOD OF PROGRAM.—(1) The program author-
2 ized under this section shall terminate at the end of the
3 5-year period referred to in subsection (a).

4 (2) After the termination of the program—

5 (A) no appointment may be made under sub-
6 section (b)(1);

7 (B) a rate of basic pay prescribed under sub-
8 section (b)(1)(B) may not take effect for a position;
9 and

10 (C) no period of service may be extended under
11 subsection (c).

12 (f) SAVINGS PROVISIONS.—In the case of an em-
13 ployee who, on the day before the termination of the pro-
14 gram, is serving in a position pursuant to an appointment
15 under subsection (b)(1)—

16 (1) the termination of the program shall not
17 terminate the employee's employment in that posi-
18 tion before the expiration of the lesser of—

19 (A) the period for which the employee was
20 appointed; or

21 (B) the period to which the employee's
22 service is limited under subsection (c), including
23 any extension made under paragraph (2) of
24 that subsection before the termination of the
25 program; and

1 (2) the rate of basic pay prescribed for the posi-
 2 tion under subsection (b)(1)(B) may not be reduced
 3 for so long (within the period applicable to the em-
 4 ployee under paragraph (1)) as the employee con-
 5 tinues to serve in the position without a break in
 6 service.

7 (g) ANNUAL REPORT.—(1) Not later than October
 8 15 of each of years 2001 through 2006, the Secretary
 9 shall submit a report on the program to the Committees
 10 on Armed Services of the Senate and the House of Rep-
 11 resentatives.

12 (2) The annual report shall contain, for the period
 13 covered by the report, the following:

14 (A) A detailed discussion of the exercise of au-
 15 thority under this section.

16 (B) The sources from which individuals ap-
 17 pointed under subsection (b)(1) were recruited.

18 (C) The methodology used for identifying and
 19 selecting such individuals.

20 (D) Any additional information that the Sec-
 21 retary considers helpful for assessing the utility of
 22 the authority under this section.

23 **SEC. 4. AIR FORCE EXPERIMENTAL HIRING PROGRAM.**

24 (a) PROGRAM AUTHORIZED.—During the 5-year pe-
 25 riod beginning on the date of the enactment of this Act,

1 the Secretary of the Air Force may carry out a program
2 of experimental use of the authority provided in sub-
3 sections (b), (c), and (d) in order to facilitate recruitment
4 of civilian personnel to carry out the following:

5 (1) Research and exploratory or advanced de-
6 velopment.

7 (2) Acquisition of major weapons systems, ex-
8 cluding sustainment activities.

9 (b) CATEGORY RANKING.—(1) Notwithstanding sec-
10 tions 3309, 3313, 3317(a), and 3318(a) of title 5, United
11 States Code, the Secretary may provide that applicants
12 for positions in the Department of the Air Force be evalu-
13 ated according to a quality category rating system based
14 on relative degrees of merit, rather than according to nu-
15 merical ratings.

16 (2) Under the system described in paragraph (1),
17 each applicant who meets the minimum qualification re-
18 quirements shall be assigned to the appropriate category
19 based on an evaluation of the quality of the applicant's
20 knowledge, skills, and abilities relative to successful per-
21 formance in the position to be filled.

22 (3) Within each such quality category, applicants who
23 are eligible for veterans' preference under section 2108 of
24 such title shall have priority over applicants who are not
25 eligible for such preference.

1 (4)(A) Each applicant, other than applicants for sci-
2 entific and professional positions at the GS–9 level or
3 above, or the equivalent, who meets the minimum quali-
4 fications requirements and who is eligible for veterans’
5 preference under section 2108(3)(C) of such title and who
6 has a compensable service-connected disability of 10 per-
7 cent or more shall have the highest priority in the quality
8 category.

9 (B) Applicants for scientific or professional positions
10 at the GS–9 level or above, or the equivalent, shall be list-
11 ed within their category grouping, except that applicants
12 who are eligible for veterans’ preference under such sec-
13 tion 2108 shall have priority over applicants who are not
14 eligible for preference. Among preference eligibles, pref-
15 erence shall be given without regard to the type of pref-
16 erence.

17 (5) Under the system described in paragraph (1), an
18 appointing official may select any qualified applicant with-
19 in the highest category, except that such an official may
20 not pass over a preference eligible for an individual who
21 is not a preference eligible in the same category unless
22 the requirements of section 3312(b) or 3318(b) of title
23 5, United States Code, are satisfied. If fewer than 3 appli-
24 cants have been assigned to the highest category, an ap-
25 pointing official may select any qualified applicant in the

1 next lower category or categories, if necessary to provide
2 a pool of at least 3 qualified applicants. An appointing
3 official may not pass over a preference eligible applicant
4 to select a nonpreference eligible applicant in a lower cat-
5 egory.

6 (c) SHORTAGE AND CRITICAL NEED HIRING AU-
7 THORITY.—(1) Notwithstanding section 3304(b) of title 5,
8 United States Code, the Secretary of the Air Force may
9 appoint individuals into the competitive service to fill civil-
10 ian positions in the Department of the Air Force without
11 competition, provided public notice has been given and the
12 positions meet one of the following criteria:

13 (A) There is a severe shortage of qualified can-
14 didates for the position.

15 (B) There is a need for expedited hiring for the
16 position.

17 (C) The position is unique and has special
18 qualifications.

19 (D) The position has a historically high turn-
20 over rate.

21 (2) The Secretary may appoint individuals with ex-
22 ceptional academic qualifications or special experience to
23 positions described in paragraph (1). Individuals who
24 qualify on the basis of education must possess a cumu-
25 lative grade point average of 3.5 or higher on a 4.0 scale

1 (or the equivalent grade point average on a different
2 scale).

3 (3) Applicants who are eligible for veterans' pref-
4 erence under section 2108 of title 5, United States Code,
5 shall have priority over applicants who are not eligible for
6 such preference. Among preference eligibles, a preference
7 eligible applicant under subparagraphs (C) through (G) of
8 section 2108(3) of such title shall have priority over an
9 applicant who is eligible for preference under subpara-
10 graphs (A) or (B) of such section. An appointing official
11 may not pass over a preference eligible applicant to select
12 a nonpreference eligible applicant unless the requirements
13 of section 3312(b) or 3318(b) of such title are satisfied.

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